(2)

Supreme Court, U.S.
FILED

No. 031143 JAN 9 2004

IN THE

SUPREME COURT OF THE UNITED STATES

Jean Development Company dba Gold Strike Hotel and Gambling Hall,
Petitioner,

v.

The Superior Court of the State of California, County of Los Angeles,
Respondent.

Allison Bernard, et al.,

Real Parties In Interest.

On Petition For Writ Of Certiorari To The Superior Court of the State of California, County of Los Angeles

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APPENDIX IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

HARRINGTON, FOXX, DUBROW & CANTER, LLP
Dale B. Goldfarb, State Bar No. 65955
1055 West Seventh Street, 29th Floor
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Attorneys for Petitioner, JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL and GAMBLING HALL

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

COURT OF APPEAL - SECOND DIST.
FILED
AUG 21 2003
JOSEPH A. LANE Clerk
E. AMOS Deputy Clerk

JEAN DEVELOPMENT COMPANY, Petitioner, v. SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES, Respondent; ALLISON BERNARD et al., Real Parties in Interest.	B169187 (Super. Ct. No. BC292902) (Kenneth R. Freeman, Judge) **ORDER**

THE COURT*:

We have read and considered the petition for writ of mandate filed on August 11, 2003. The petition is denied.

Cooper

*COOPER, P.J.

RUBIN, J.

JEFFREY ALLAN COHEN, ESQ.
333 S. BEVERLY DRIVE, SUITE 205
BEVERLY HILLS, CALIFORNIA 90212
STATE BAR NO.: 43281

PHONE: (310) 551-0881
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Attorney for Plaintiff
MARINA LOPEZ

ORIGINAL FILED

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

MARINA LOPEZ, an individual, Plaintiff, vs. COLUMBUS DAVIS, JR., and individual; JOSE CERNA, an individual; GOLD & SILVER CHARTER BUS COMPANY; GOLD & SILVER TRAVEL, INC.; HEBARAGI AND LEMI BUS, INC.; JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL; and DOES 1 through 100, inclusive, Defendants. AND CONSOLIDATED ACTION	CASE NO.: BC 292902 NOTICE OF RULING 1) CONSOLIDATION OF ACTIONS 2) TRIAL DATE 3) CASE MANAGEMENT CONFERENCE 4) MOTION TO QUASH SERVICE 5) MOTION TO STRIKE PLEADINGS The Hon. Kenneth R. Freeman Action Filed: March 27, 2003 TRIAL DATE AND FINAL STATUS: 7/21/2004 TIME: 8:30 A.M. DEPT: "64" CASE MANAGEMENT CONFERENCE: 10/29/2003 TIME: 8:30 A.M. DEPT: "64"

TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that the Court issued the following rulings on July 31, 2003:

1. The case of MARINA LOPEZ vs. COLUMBUS DAVIS, JR., et al., Case No. BC 292902 and the case of BERNARD vs. COLUMBUS DAVIS, JR., Case No. BC 294071 were consolidated. The surviving case is that referenced as BC 292902.

2. A trial date and Final Status Conference in the matter was set for July 21, 2004 in Dept. "64" at 8:30 a.m.

3. A Case Management Conference was set for October 29, 2003 at 8:30 a.m. in Dept. "64". The parties are to prepare a Case Management Order prior thereto.

4. The Motion of Defendant JEAN DEVELOPMENT CO. dba GOLD STRIKE HOTEL & GAMBLING HALL to Quash Service of Summons was denied. The similar Motion set for August 7, 2003 was taken off calendar.

5. The Motion of Defendants COLUMBUS DAVIS, JR. and GOLD & SILVER CHARTER BUS CO. to Strike Portions of the Complaint was denied as to the individual COLUMBUS DAVIS, JR. and granted as to the GOLD & SILVER CHARTER BUS CO., with Plaintiff retaining the right to amend the Complaint as to the corporate Defendants.

DATED: July 31, 2003

LAW OFFICES OF JEFFREY ALLAN COHEN

BY: _____
JEFFREY ALLAN COHEN
Attorney for Plaintiff
MARINA LOPEZ

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is: 333 S. Beverly Drive, Suite 205, Beverly Hills, California 90212.

On July 31, 2003, I served the within document described as **NOTICE OF RULING** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Beverly Hills, California, addressed as follows:

Daniel L. Ferguson, Esq.
BORTON, PETRINI & CONRON, LLP
290 North "D" Street, Suite 500
San Bernardino, California 92401
Attorneys for HEBARAGI & LEMI/CERNA

Dale B. Goldfarb, Esq./John E. Lord, Esq.
HARRINGTON, FOXX,
DUBROW & CANTER, LLP
1055 W. Seventh St., 29th Floor
Los Angeles, California 90017
Attorneys for JEAN DEVELOPMENT CO.

Stephen Lax, Esq.
SCHAFER, LAX,
McNAUGHTON & CHEN
515 So. Figueroa Street
Los Angeles, CA 90071
Attorneys for GOLD & SILVER/DAVIS

Dawn Smallberg, Esq.
NELSON - FELKER
10880 Wilshire Blvd., #2070
Los Angeles, California 90024

XX (BY MAIL) I deposited such envelope in the mail at Beverly Hills, California. The envelope was mailed with postage thereon fully prepaid.

XX I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with the postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Beverly Hills, California this 31st day of July, 2003.

NINA C. JAMES

JEFFREY ALLAN COHEN, ESQ.
333 S. BEVERLY DRIVE, SUITE 205
BEVERLY HILLS, CALIFORNIA 90212
STATE BAR NO.: 43281

PHONE: (310) 551-0881
FAX: (310) 551-2734

Attorney for Plaintiff
MARINA LOPEZ

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

MARINA LOPEZ, an individual, Plaintiff, vs. COLUMBUS DAVIS, JR., and individual; JOSE CERNA, an individual; GOLD & SILVER CHARTER BUS COMPANY; GOLD & SILVER TRAVEL, INC.; HEBARAGI AND LEMI BUS, INC.; JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL; and DOES 1 through 100, inclusive, Defendants.	CASE NO.: BC 292902 NOTICE OF RULING; NOTICE OF CONTINUANCE OF MOTION The Hon. Kenneth R. Freeman Action Filed: March 27, 2003 DATE: Aug. 7, 2003 TIME: 8:30 a.m. DEPT: "64"

TO THE DEFENDANTS AND TO THEIR ATTORNEYS OF RECORD HEREIN:

The Motion of Defendant JEAN DEVELOPMENT CO. came regularly for hearing before the Court on June 2, 2003. The Court ordered the Motion continued to August 7, 2003 at 8:30 a.m. in Dept. "64".

The Court further ordered that discovery was authorized against JEAN DEVELOPMENT CO. related to the issue of jurisdiction.

DATED: June 3, 2003

LAW OFFICES OF JEFFREY ALLAN COHEN

BY: _____

JEFFREY ALLAN COHEN
Attorney for Plaintiff
MARINA LOPEZ

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the aforesaid county, State of California; I am over the age of eighteen years and not a party to the within action; my business address is: 333 S. Beverly Drive, Suite 205, Beverly Hills, California 90212.

On June 3, 2003, I served the within document described as **NOTICE OF RULING; NOTICE OF CONTINUANCE OF MOTION** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Beverly Hills, California, addressed as follows:

Daniel L. Ferguson, Esq.
BORTON, PETRINI & CONRON, LLP
290 North "D" Street, Suite 500
San Bernardino, California 92401

Dale B. Goldfarb, Esq./John E. Lord, Esq.
HARRINGTON, FOXX,
DUBROW & CANTER, LLP
1055 W. Seventh St., 29th Floor
Los Angeles, California 90017

XX (BY MAIL) I deposited such envelope in the mail at Beverly Hills, California. The envelope was mailed with postage thereon fully prepaid.

XX I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with the postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Beverly Hills, California this 3rd day of June, 2003.

Nina C. James

NINA C. JAMES

HARRINGTON, FOXX, DUBROW & CANTER, LLP
DALE B. GOLDFARB, State Bar No. 65955
JOHN E. LORD, State Bar No. 216111
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Attorneys for Defendant, JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUN 0 9 2003

John A. Clarke, Executive Officer/Clerk
By _____ Deputy
ERIKA BROWN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

MARINA LOPEZ, an individual,

Plaintiff,

v.

COLUMBUS DAVIS, JR., an individual; JOSE CERNA, an individual; GOLD & SILVER CHARTER BUS COMPANY; GOLD & SILVER TRAVEL, INC.,; HEBARAGI AND LEMI BUS, INC.; JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. BC292902

Action Filed: March 27, 2003

COUNTER-NOTICE OF RULING

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the motion of defendant JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL, came on regularly for hearing on June 2, 2003 at 8:30 a.m. in Department 64, the Honorable Kenneth R. Freeman, Judge Presiding. John E. Lord of Harrington, Foxx, Dubrow & Canter, LLP. appeared on behalf of defendant. Jeffrey Cohen, esq., appeared on behalf of plaintiff MARINA LOPEZ.

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HARRINGTON, FOXX, DUBROW & CANTER, LLP
1055 WEST SEVENTH STREET, 29TH FLOOR
LOS ANGELES, CALIFORNIA 90017-2547
TELEPHONE (213) 489-3222

COPY

The Court granted defendant's motion but allowed plaintiff a 75 day time period to conduct discovery only as to jurisdictional matters and the matter was set for re-hearing to reconsider on August 7, 2003, at 8:30 a.m. in Department 64.

DATED: June 6, 2003

HARRINGTON, FOXX, DUBROW & CANTER, LLP

By: _____
DALE B. GOLDFARB
JOHN E. LORD
Attorneys for Defendant, JEAN DEVELOPMENT COMPANY dba GOLD STRIKE HOTEL AND GAMBLING HALL

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1055 West Seventh Street, 29th Floor, Los Angeles, California 90017-2547.

On June 6, 2003, I served the foregoing document described as **COUNTER-NOTICE OF RULING** on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

BY MAIL AS FOLLOWS:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on June 6, 2003, at Los Angeles, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

MARTHA P. VASQUEZ

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